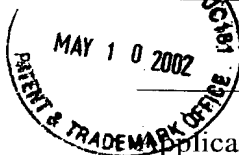


I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on the date shown below

Filed May 7, 2002 Signature [Signature]

(Name of Signer)

Attorney Docket No.: 29853/37702
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Zhang, *et al.*

Application No.: 10/033,571

Group Art Unit: 1648

Filed: December 27, 2001

Examiner: Not Yet Assigned

For: METHOD FOR THE PRODUCTION AND
PURIFICATION OF ADENOVIRAL VECTOR

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This is in response to the Notice to File Missing Parts dated April 8, 2002 in which the submission of: an Oath or Declaration with the signature of Toohyon Cho; along with the late filing fee of \$130.00. Also required were substitute drawings in compliance with 37 C.F.R. 1.84.

It is submitted that a copy of the Oath or Declaration of Toohyon Cho is not required in the present application because Mr. Cho was accorded status according to 37 C.F.R. 1.47(a) in grandparent application Serial No. 08/975,519. Specifically, Cho refused to join in the filing of the grandparent of the above-identified application. A copy of the Decision granting the petition to accord Rule 1.47 status was properly submitted (a copy of which is further submitted as Exhibit A attached hereto) with the application papers in the above-identified application in accordance with 37 C.F.R. 163(d)(3). Thus, as provided in MPEP 201.06(c) it is submitted that no oath or declaration for Toohyon Cho is now required and further that no fee is required.

"New continuation or divisional applications filed under 37 CFR 1.53(b) which contain a copy of an oath or declaration that is not signed by one of the inventors and a copy of the decision according 37 CFR 1.47 status in the prior application, should be forwarded by the Office of Initial Patent Examination (OIPE) to the Office of Petitions before being forwarded to the Technology Center (TC). The Office of Petitions will mail applicant a letter stating that "Rule 47" status has been accorded to the continuation or divisional application, but will not repeat the notice to the nonsigning inventor nor the announcement in the *Official Gazette*. See 37 CFR 1.47(c)."

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Application No.: 10/033,571

Attorney Docket No.: 29853/37702

Submitted herewith are forty-three (43) pages of drawings that comply with 37 C.F.R. 1.84(p) as requested in the Notice.

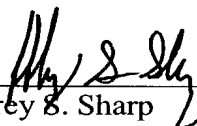
For the foregoing reasons it is submitted that the application now be subject to examination. A copy of the Notice to File Missing Parts of Nonprovisional Application is submitted herewith.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
233 South Wacker Drive
6300 Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300

May 7, 2002

By:



Jeffrey S. Sharp
Registration No.: 31,879



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D C 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/033,571	12/27/2001	Shuyan Zhang	29853/37702

04743
MARSHALL, GERSTEIN & BORUN
6300 SEARS TOWER
233 SOUTH WACKER
CHICAGO, IL 60606-6357

CONFIRMATION NO. 9714

FORMALITIES LETTER



OC000000007827024

Date Mailed: 04/08/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Toohyon Cho
- To avoid abandonment, a late filing fee, or oath or declaration surcharge as set forth in 37 CFR 1.101 of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

Docketed: 6/8/02

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - Numbers, letters, and reference characters must measure at least 0.32 cm (1/8 inch) in height.

Docketed: 6/8/02

05/24/2002 SSALEKU 00000007 132855 10033571

01 FC:105 130.00 CH

*A copy of this notice **MUST** be returned with the reply.*

M. Marshall

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE